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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,357	06/05/2001	Francis Pinault	Q64734	5168
23373 7590 04/10/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER POLTORAK, PIOTR	
			ART UNIT	PAPER NUMBER
			2134	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/10/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/873,357

Applicant(s)

PINAULT ET AL.

Examiner

Peter Poltorak

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/20/07 has been entered.

Response to Amendment

2. Applicant's arguments have been carefully considered and in view of applicant arguments and amendments to the claim language, the 35 USC § 112 rejections are withdrawn.
3. Although, applicant's arguments are moot in view of the new ground(s) of rejection, the examiner would like to address applicant concerns regarding Cotton teaching, as directed towards claims 5-7.

In particular, applicant argues that Cotton does not retain text of the e-mail rather but rather retaining abbreviated signature codes, and that does not teach "counting, for control purposes, the number of times that data of a particular content is received". The examiner points to col. 4 lines 35-36 that clearly discloses retaining email, and col. 4 lines 23-24 clearly indicating counting the number of times that email has been received.

4. Claims 1-2 and 4-10 have been examined.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 103

5. Claims 1-2, 4 and 8-10 are under 35 U.S.C. 102(a) as anticipated by or, in the alternative, rejected under 35 U.S.C. 103(a) as being unpatentable over Toga (USPN 6041355).

Toga discloses enabling user terminals connected to a private network accessing a computer network to exchange information via a private access node (Toga, Fig. 1).

6. As per claims 1-2, 4, 8 and 10, in col. 2 lines 44-col. 3 line 26, Toga recites as follows: "FIG. 1 is a block diagram of a firewall separating a first network from a second network of computers. The first network, network A, is the internet 10 which includes the World Wide Web and its many web sites, such as web site 12. Network A is coupled to Network B, which may be a corporate network of computers, for example... The filtering router 20 is connected to the Internet 10. The filtering router 20 accepts only requests from the web proxy 22 for retrieving data from the Internet 10... Similarly, the filtering router 24 is connected to the client computers 30. The filtering router 24 accepts requests from the client computers 30 only directed to the web proxy 22. The filtering router 24 also only allows data from the web proxy 22 to be provided to the client computers 30... In the present invention, the web proxy monitors the content description language that was returned from the Internet. The web proxy looks at tags that indicate information about the content of the data, as will be described further with reference to FIG. 2. The web proxy then determines

completion decisions as to whether to allow the transfer of data based upon the tag information. For example, the web proxy may allow complete transfer or partial transfer of the data. It may defer the transfer until a later time, or it may cache the transfer to allow its clients to access the data from this transfer without the need to retrieve the data a second time from the Internet. Various other completion decisions based upon resource constraints, content based upon age, and pricetag of the content are possible, as will be described".

This reads on: temporarily storing a data stream received from a computer network and addressed to a user terminal of the user terminals connected to the private network in response to an access request from the user terminal in order to perform filtering based on data content of the data stream and discloses the presence of filtering based on data content of the data stream, wherein the filtering authorizing or blocking transmission of the multimedia data stream to the terminal is a function of particular criteria applied to the data stream received at the private access node. The pricetag (tag) disclosed by Toga (in col. 4 lines 14-17, for example) reads on a signature. Thus, decisions making based upon pricetag within the data stream, reads on analyzing a signature included in the data stream for the purpose of the filtering.

7. Furthermore, not only Toga does not limit the data stream to data other than multimedia, but also Toga explicitly suggests that the received data could be multimedia data (Toga, e.g. col. 1 lines 14-31, col. 3 lines 33-40 etc.). Thus, it would have been at least obvious, if not inherent, to one of ordinary skill in the art at the

Art Unit: 2134

time of applicant's invention to extend the Toga's invention to multimedia data stream. One of ordinary skill in the art would have been motivated to perform such a modification in order to extend filtering to various kinds of data, including multimedia data.

8. (The examiner also points out that even if Toga did not disclose multimedia data, requesting and receiving a multimedia data stream is old and well-known in the art of computing (e.g. Internet Browsing, U.S. Patent No. 6223292 etc.))
9. The filtering device in Toga's invention is part of the private network (e.g. col. 2 lines 49-55), which reads on providing particular criteria from the private network.
10. As per claim 9, Toga disclosure in col. 4 lines 8-11 and 17-21, clearly indicates performing an identifier search analysis on the data addressed to a user terminal to authorize transmission of the data to the terminal if an identifier is found in the multimedia data stream addressed to the terminal.
11. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toga (USPN 6041355) in view of Fritch (USPN 6105132) in view of Cotten (USPN 6330590).

Toga in view of Fritch teach filtering an access control that decides to allow or disallow data transmission as discussed above.
12. Toga in view of Fritch do explicitly teach retaining non-conformance data to enable interruption of a subsequently received data stream.

Cotton teaches counting, for control purposes, the number of times that data of a particular content is received and retaining non-conformance data to enable interruption of a subsequently received data stream (col. 3 line 46-col. 4 line 52).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to retain non-conformance data to enable interruption of a subsequently received data stream as taught by Cotton. One of ordinary skill in the art would have been motivated to perform such a modification in order to filter not only non-permitted but also unwanted data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A stylized handwritten signature, possibly reading 'KZ' or similar, enclosed within a hand-drawn rectangular box.

4/5/07

A handwritten signature of Kambiz Zand, written in ink, positioned above a rectangular stamp.

KAMBIZ ZAND
PRIMARY EXAMINER